

MEMORANDUM

TO: Gallatin County Commission

CC: Gallatin County Planning Board
Earl Mathers, County Administrator

FROM: Gallatin County Planning Department

RE: Summary of Growth Policy Implementation Policy Decisions Made
By County Commission on March 4, 2008

The purpose of the hearing was for the Commission to review and make decisions on the following policy matters related to the Growth Policy Implementation Program and DRAFT Countywide Zoning Regulations (hereafter referred to as “the Regulations. In some instances (as a result of public comment or additional information that has been received since previous direction was given) the Commission was asked to revisit decisions made throughout the Growth Policy implementation process.

The direction given by the Commission does not enact or otherwise adopt any specific provision; rather the direction provides guidance to the Planning Department for the purpose of creating DRAFT documents. When drafting is complete, the DRAFT documents will be made available to the public and opportunities for public comment will be scheduled. Public hearings will take place as part of the adoption process.

- 1. Density.** The Commission voted (2:1) to keep the density at one unit per 160 acres and *not* provide an additional entitlement *by right* for properties with holdings between 160 and 319 acres. The decision was based on opportunities already built into the proposed program through the RCD Program, the TDC Program, and the neighborhood planning process.
- 2. Transferable Development Credits (TDCs).** The Commission voted unanimously to create a “Term TDC” program.

3. **Length of “Term Restriction” for Term TDCs.** The Commission voted (2:1) to establish the length of the term restriction at 40 years, but to allow the term restriction to be lifted prior to its scheduled expiration date if a landowner retired the same number to TDCs that were originally allocated to their property (minus any TDCs used on the property for residences).
4. **Reservation of TDCs for Development of Sending Area Parcel.** The Commission voted unanimously to integrate the underlying density restriction, the TDC Program and the Rural Cluster Development (RCD) Program through the adoption of the *Partial Allocation Rule*. This rule would allow landowners to have TDCs allocated to all, or a portion of their property, but require no TDCs be allocated within the boundary of a RCD project. If a landowner previously had TDCs allocated to their property and later wants to do a RCD project, the landowner must have retained, or must obtain, TDCs commensurate with the acreage of the land included in the RCD project.
5. **Options for Landowners with Non-Contiguous Parcels.** The opportunity to develop existing tracts of land, including those properties that do not comply with the County’s proposed density regulation, will be preserved within the County’s zoning regulation, thus each existing tract of land represents a theoretical “grandfathered development entitlement.” The Commission voted unanimously to create a program that would allow landowners to transfer the grandfathered “development entitlements” (which were labeled DTUs) to other tracts of land within the County through the conditional use permit (CUP) process, but agreed that if the density on the receiving parcel was greater than one unit per 80 acres, that the development would have to comply with the requirements of the Rural Cluster Development Program.
6. **Multiple Dwelling Units on a Single Tract of Record.** The Commission voted unanimously to allow (subject to approval of a land use permit) one single-family dwelling unit and one accessory dwelling unit (guest house or caretaker’s residence) per tract of record or per increment of 1:160 density, and through the CUP process allow additional dwelling units to house family members of the landowner or to house employees (and employee’s family) that work on the property.
7. **Bonus Densities in the Rural Cluster Development Program.** The Commission delayed making a decision on providing additional density bonuses for RCD projects (i) when the landowner preserves the open space created in the RCD project in perpetuity through a conservation easement; or (ii) for RCD projects that encompass significantly large acreages. The Commission wanted Staff to do some additional work and come back with a more specific proposal describing all of the incentives offered through the RCD Program.